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SUBJECT: USSN 10/065,376

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MESSAGE:

Attention: Examiner Alexa D. Neckel, GAU 1764
Re: USSN 10/065,376 - KEL-85

Please see the attached response to office action (restriction requirement) of September 12, 2005 comprising 2 pages.

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September 27, 2005
Date
Marcee G. Lundeen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**
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SEP 27 2005

APPLICANT: §
Robert B. Peterson et al. §
§
SERIAL NO.: 10/065,376 §
§
FILED: October 10, 2002 §
§
FOR: Catalyst Regenerator with a §
Centerwell §
§

Group Art Unit: 1764

EXAMINER: Alexa D. Neckel

RESPONSE TO OFFICE ACTION DATED SEPTEMBER 12, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Atty. Docket No.: KEL-85
Date: September 27, 2005

Dear Sir:

Applicant acknowledges receipt of the Office Action dated September 12, 2005, setting out a restriction requirement, and in response submits the following remarks without amendment.

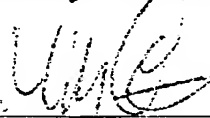
Claims 1-13 are pending in the application. Claims 1-11 directed to an apparatus are subject to restriction from claims 12-13 directed to a retrofit method for installing the apparatus in an FCC unit. Applicant elects the apparatus claims 1-11 for prosecution on the merits, with traverse. The retrofit method claims 12-13 for purposes of the restriction requirement can

Appl. No. 10/065,376
Response dated September 27, 2005

be considered as either a method of using or making the claimed apparatus, or as the claimed apparatus in combination with an FCC unit. As such, claim 12 is a linking or combination claim depending from claim 1, and claim 13 contains essentially all of the elements of the apparatus, so that there is no additional burden placed on the office to examine claims 12 and/or 13 at the same time as claims 1-11. The restriction requirement should be withdrawn, or in the alternative, applicant would request rejoinder upon an indication that the apparatus claims are directed to allowable subject matter that is affirmatively recited in original claims 12 and/or 13, or in amended form presented at a later date.

Withdrawal of restriction requirement, examination of the claims on the merits, rejoinder of any withdrawn claims, and allowance of all pending claims are respectfully requested. Should issues remain that are appropriate to resolution by telephone interview, please contact undersigned counsel.

Respectfully submitted,



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